

EXHIBIT 9

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AVALON HOLDINGS CORP.,

Plaintiff,

v.

GUY GENTILE,

Defendant.

Case No. 18 Civ. 7291 (DLC) (RJL)

ECF Case

SUBPOENA *DUCES TECUM*
AND DEPOSITION NOTICE TO JUDGMENT DEBTOR GUY GENTILE

WHEREAS, in the above-captioned action between the parties listed above, a Judgment was entered on March 20, 2024, in the U.S. District Court for the Southern District of New York in favor of Plaintiff Avalon Holdings Corp. (the “Judgment Creditor”), and against Defendant Guy Gentile (the “Judgment Debtor”) in the total amount of \$8,219,175, of which \$8,219,175 remains due, plus post-judgment interest from March 20, 2024.


NOW, THEREFORE WE COMMAND YOU, to appear and attend before a person authorized by the laws of the State of New York to administer oaths, at the offices of Veritext NYC, 7 Times Square, New York, NY 10036, OR virtually/via Zoom, on July 1, 2024, at 10 a.m., or at such place and time as subsequently agreed-upon between the parties), and at any recessed or adjourned date for the taking of a deposition under oath upon oral or written questions on all matters relevant to the satisfaction of such judgment; AND

WE FURTHER COMMAND YOU to produce for examination at such time and place the books, papers, and records annexed hereto as Schedule A and all other books, papers, and records in your possession or control which have or may contain information concerning your property, income, or other means relevant to the satisfaction of the judgment, INCLUDING,

BUT NOT LIMITED TO ALL DOCUMENTS REFERENCED IN SCHEDULE A (ANNEXED).

TAKE FURTHER NOTICE THAT FALSE SWEARING OR FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO FINE AND IMPRISONMENT FOR CONTEMPT OF COURT.

Dated: May 30, 2024



Miriam Tauber
Attorney for Plaintiff/Judgment Creditor
Avalon Holdings Corp.

**By certified mail and
By email to counsel for Defendant/Judgment Debtor:**

Thomas Fleming
OLSHAN FROME WOLOSKY LLP
TFleming@olshanlaw.com

SCHEDULE A

THE FOLLOWING DEMANDS RELATE TO THE PERIOD FROM THE DATE OF FILING OF SUIT, AUGUST 13, 2018, TO THE DATE HEREOF (AND CONTINUING UNTIL SATISFACTION OF THE JUDGMENT IN FULL).

THE TERM “SIGNATURE AUTHORITY” SHALL MEAN THE ABILITY TO DIRECT THE PURCHASE, HOLDING, SALE, TRANSFER OR WITHDRAWAL OF OR FROM ANY ASSET OR THING OF VALUE.

OTHER UNIFORM DEFINITIONS PROVIDED BY LOCAL S.D.N.Y. RULE 26.3 APPLY.

**THE JUDGMENT DEBTOR IS COMMANDED
TO PRODUCE AND ALLOW THE COPYING OF:**

1. All savings bank, credit union (or foreign equivalents) account books, certificates of deposit, records, accounts and memoranda, current and/or those that may have been cancelled or closed, whether in the Judgment Debtor’s name individually, jointly, in trust, as custodian, as nominee, or in conjunction with any other person or persons, including but not limited to deposit slips, withdrawal slips, and money order or bank check stubs over which the Judgment Debtor may have or had ownership, signature authority, or the ability to direct agents or employees or other persons to exercise signature authority.
2. All records, statements, cancelled checks and wire confirmations, papers and memoranda concerning any and all checking accounts or similar assets, foreign or domestic, in the Judgment Debtor’s name individually, jointly, in trust, as custodian, as nominee or in conjunction with any other person or persons, over which the Judgment Debtor may have or had signature authority or the ability to direct agents or employees or other persons to exercise signature authority including checkbooks, checkbook stubs, statements, cancelled checks and deposit slips, whether said accounts are current and/or may have been closed.
3. All stock certificates, bonds or other securities in the Judgment Debtor’s name individually, jointly, in trust, as custodian, as nominee or in conjunction with any other person or persons, or which may be held in account individually or in conjunction with any other person or persons in any corporation, domestic or foreign, or issued by the federal government or by any state, municipal or other governmental agency foreign or domestic.
4. All books, records, accounts, monthly statements, statements of transactions and all other papers and memoranda of stock brokerage accounts, commodities brokerage accounts, option and derivatives accounts foreign or domestic, in the Judgment Debtor’s name over which he held or holds signature authority, individually, jointly, in trust, as custodian, as nominee or in conjunction with any other person or persons or over which the Judgment

Debtor may have or had the ability to direct agents or employees or other persons to exercise signature authority.

5. All books and records, bills of lading and warehouse receipts and similar or different documents that reflect ownership or foreign or domestic storage of gold, precious metals, artwork, or other things of value.
6. All books and records, correspondence, contracts, confirmations or cancelled checks, wire transfers or other means of payment, reflecting the Judgment Debtor's ownership or dealings in cryptocurrencies, foreign or domestic, of any name, brand, title or designation.
7. Art floater insurance policies reflecting ownership of artwork or artifacts by the Judgment Debtor or his spouse or by his agent, foreign or domestic.
8. Jewelry insurance policies reflecting ownership, foreign or domestic, of jewelry or gems, by the Judgment Debtor or his spouse, agent, or person under his control or over whom he has signature authority.
9. Any trust instruments, foreign or domestic, reflecting the Judgment Debtor as trust beneficiary, settlor, or trustee.
10. Any documents, including bills of sale, contracts, insurance policies or correspondence, reflecting ownership or possession, foreign or domestic, by the Judgment Debtor of so-called "collectibles."
11. Any personal financial statements prepared by or on behalf of the Judgment Debtor and any credit applications.
12. Copies of all Judgment Debtor's federal and foreign state and city and similar income tax returns together with the schedules, amendments, and worksheets thereof and all other papers, documents and memoranda referring to any adjustments made in connection therewith, together with all U.S. 1099, W2 and K4 forms and similar such documents of foreign origin.
13. Any contracts for the rental and/or lease of safe deposit boxes or vaults, foreign and domestic, by the Judgment Debtor.
14. Any and all rental leases and deeds or conveyances of real property in the Judgment Debtor's name individually, jointly, in trust, as custodian, as nominee, or in conjunction with any other accounts that are current or may have been closed, together with any documentation relative to mortgages, real property taxes and other expenses and repairs relative to any real property in which the Judgment Debtor or his spouse may have or have had an interest;
15. Copies of all corporate books, federal and state income tax returns, foreign and domestic,

together with the schedules and worksheets thereof and all other papers, documents, and memoranda relative to any corporation in which the Judgment Debtor was or is the owner of any stock (including unvested and/or restricted stock or stock options).

16. Any records, correspondence, memoranda, or other writings relative to transfers of personal property by the Judgment Debtor exceeding \$10,000.
17. Any and all records, documents, papers, and memoranda, including pay stubs, accountings, correspondence, or other writings pertaining to monies received and/or being presently received from any sources, including trusts, by the Judgment Debtor.
18. Any and all policies of insurance including but not limited to theft, floater, liability, health and accident and automobile, and all records showing payments for premiums.
19. All records of the Judgment Debtor's membership in and contributions to any charity or any other organizations or associations, foreign or domestic, including private or professional clubs or associations or private or foreign charitable foundations or entities.
20. Records of all credit card charges, or any other indebtedness incurred by the Judgment Debtor at any time after the entry of Judgment in this case.
21. Any and all of the Judgment Debtor's records, vouchers, documents, papers, or memoranda pertaining to monies, benefits or reimbursement, whether payable or due to the Judgment Debtor for salaries, drawings, wages, travel and entertainment, automobile use or expense, dividends, bonuses, sick pay, pensions or other retirement accounts, annuities, welfare benefits, profit sharing, stock options (including unvested and/or restricted stock or stock options), dating from the period following entry of Judgment in this action until the date of your responses hereto.
22. Any documents pertaining to any educational degrees or professional licenses of the Judgment Debtor.
23. Any documents reflecting ownership of copyrights, patents, proprietary secrets or intellectual property of any kind, or signature authority over it or them
24. Any documents reflecting sums receivable by the Judgment Debtor or his signature authority over them.
25. Corporate minute books and stock transfer ledgers for any closely held corporations, LLCs, or other juridical entities, foreign or domestic, of which Judgment Debtor, directly or indirectly, is majority owner or president or chairman of the board of directors or other governing body.
26. Any other records relating to the Judgment Debtor's income, assets, liabilities, and expenses.